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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,971	12/15/2003	Richard F. O'Day	3123-551	4281

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EXAMINER

KJM, PAUL D

ART UNIT PAPER NUMBER

3729

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,971

Applicant(s)

O'DAY, RICHARD F.

Examiner

Paul D. Kim

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 22-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-9, 11-16 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This office action is a response to the restriction requirement filed on 5/24/2006.

Response to the Restriction Requirement

1. Applicant's election with traverse of Group I, claims 1-21, in the reply filed on 5/24/2006 is acknowledged. The traversal is on the ground(s) that both Group I and II are directed to a method of positioning an upper voice coil magnet relative to a lower voice coil magnet and Group I and II are not related as a combination and subcombination by two-way distinctiveness. This is not found persuasive because Group I does not require a process of moving an upper voice coil magnet to a first orientation relative to the lower voice coil magnet and maintaining in parallel relation between the upper voice coil magnet and the lower voice coil magnet during the moving process. Also, Group II does not require a process of suspending the upper voice coil magnet above the lower voice coil magnet and aligning the upper voice coil magnet with the lower voice coil magnet during the suspending process. Therefore, Group I and Group II are separate inventions and the two-way distinctiveness are exist between the Groups I and II.

The requirement is still deemed proper and is therefore **made FINAL**.

2. Claims 22-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/24/2006.

Claim Objections

3. Claims 20 and 21 are objected to because of the following informalities:

Re. Claims 20 and 21: The phrase "a plane in which said upper voice coil motor magnet may move during said..." as recited in lines 3-4 of claim 20 and lines 7-8 of claim 21 is confused whether the plane is the plane in which the upper voice coil motor magnet moves during the alignment or not.

Appropriate correction is required.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --A METHOD FOR MAKING A DISK DRIVE--.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oveyssi et al. (US PAT. 6,710,981) in view of Goodman (US PAT. 3,955,315).

Oveyssi et al. teach a process of aligning an upper and lower voice coil motor magnets comprising steps of: installing the lower voice coil motor magnet (208) as shown in Fig. 2; installing a head positioning assembly (120), wherein a coil (150) is interconnected with the head positioning assembly as shown in Fig. 1; positioning the upper and lower voice coil motor magnets as shown in Figs. 1 and 2; magnetically aligning the upper voice coil motor magnet with the and lower voice coil motor magnet during the positioning process as shown in Fig. 2; and executing a first supporting step comprising supporting the upper voice coil motor magnet above the lower voice coil motor magnet after the magnetically aligning process as shown in Figs. 1 and 2 (see also col. 2, lines 47-57,col. 4, line 46 to col. 5,line 52).

However, Oveyssi et al. fail to teach a process of suspending the upper voice coil motor magnet above the lower voice coil motor magnet. Goodman teaches a process of suspending an upper magnet (14) above a lower magnet (16) in order to align the upper and lower voice coil motor magnets as shown in Figure (see also col. 1, lines 47 to col. 2, line 11). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify an aligning process of the upper and lower voice coil motor magnets of Oveyssi et al. by suspending an upper magnet above a lower magnet as taught by Goodman in order to align the upper and lower magnets by using different polarity of the upper and lower magnets.

As per claims 2 and 3 the suspending process of Goodman can allow the upper magnet to move within a reference plane such as up and down or left or right or rotating

Art Unit: 3729

because the magnets are freely movable in relation to the lines which the upper and lower magnets are secured as shown in the Figure.

As per claims 4 and 10 the upper and lower magnets are maintained in parallel relation during the magnetically aligning process as shown in Figure.

As per claim 17 the movement of the upper magnet is limited in relation to the lines, which the upper and lower magnets are secured as shown in the Figure.

As per claim 18 the movement of the upper magnet is acted by only magnetic forces (such as different polarities) to the magnetically aligned position with the lower magnet.

Allowable Subject Matter

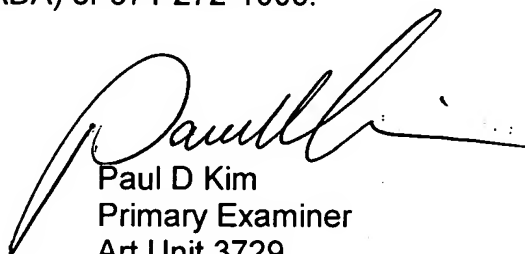
7. Claims 5-9, 11-16 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Thursday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul D Kim
Primary Examiner
Art Unit 3729